

N.A.S.D. REGULATION AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS REGULATION

In the Matter of the Arbitration Between

Name of Claimant

Suburban Radiology Associates, P.C.,
Saraswathe K. Golla, Trustee

95-04719

Name of Respondent

ViJay R. Basani

REPRESENTATION

Claimant Suburban Radiology Associates, P.C. ("Claimant") was represented by David H. Zimmer, Esq., Potomac, MD.

Respondent ViJay R. Basani ("Respondent") did not appear.

CASE INFORMATION

The Statement of Claim was filed October 5, 1995.

Claimant's Uniform Submission Agreement was signed October 20, 1995.

Respondent's Statement of Answer was filed February 16, 1996.

Respondent did not file an executed agreement to arbitrate.

HEARING INFORMATION

Hearing Date/Sessions: December 3, 1996/one session

Hearing Location: Westin William Penn Hotel
Pittsburgh, PA

CASE SUMMARY

Claimant alleged that Respondent, without Claimant's authorization, purchased eight hundred (800) shares of Sciclone Pharmaceuticals, Inc. ("SCLN") on October 26, 1993. Claimant alleged that Claimant discovered the unauthorized transaction on October 29, 1993 and immediately contacted Respondent demanding that the trade be rescinded. Claimant alleged that Respondent agreed to rescind the transaction but failed to do so. Claimant alleged that Claimant repeatedly requested that the unauthorized transaction be rescinded but Respondent failed to ever do so.

Respondent, in his Statement of Answer, denied allegations of wrongful conduct. Respondent maintained that the purchase of SCLN was specifically authorized by Claimant prior to execution. Respondent maintained that Claimant never complained about the transaction and never requested that the positions be sold. Respondents maintained that any loss suffered by Claimant was the result of Claimant's own investment decisions and the fluctuations of the market.

RELIEF REQUESTED

Claimant requested relief in the amount of \$17,808.50 plus nine percent (9%) simple interest for 1,133 days or \$4,975.16; the costs of this arbitration in the amount of \$1,400.00, less current value of the 800 shares of SCLN valued at \$6,400.00 and attorney's fee of \$5,927.89, for a total of \$23,711.55

In the Statement of Answer, Respondent requested that the Statement of Claim be dismissed.

OTHER ISSUES CONSIDERED & DECIDED

The party who appeared at the hearing agreed that a handwritten, signed Award may be entered. In this case, the Claimant agreed to receive a conformed copy of the Award while the original remains on file with the NASD.

The arbitrator exercised jurisdiction over Respondent in that the arbitrator determined that Respondent had been properly served pursuant to Rule 10314(a) of the Code of Arbitration Procedure ("Code") based on the Statement of Answer filed by Respondent and that Respondent was provided notice as to the date and time of the hearing pursuant to Rule 10315 of the Code.

That pursuant to the by-laws of the NASD Regulation, the arbitrator determined that Respondent was required to submit to this arbitration, notwithstanding his failure to submit an executed agreement to arbitrate. Therefore, Respondent is bound by the arbitrator's rulings and determinations.

AWARD

After considering the pleadings, the testimony and the evidence presented at the hearing, the undersigned arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. That Respondent is liable to and shall pay to Claimant \$13,408.50.
2. That each party shall pay its own costs and expenses, except as specified in the forum fees section of this award.
3. That any relief not specifically addressed herein is denied.

FORUM FEES

Pursuant to Rule 10332(c) of the Code of Arbitration Procedure, the following Forum Fee(s) are assessed:

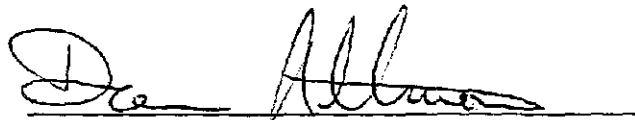
1 session x \$300.00 = \$300.00

Forum Fees are assessed to Respondent. Respondent is liable to and shall reimburse Claimant for the \$300.00 hearing session deposit previously submitted to the NASD Regulation.

DATE

ARBITRATOR'S SIGNATURE

12/19/96

A handwritten signature in cursive script, appearing to read "Dan Altman", written over a horizontal line.

Dan Altman, Presiding
Public Arbitrator

Date Decision Served by NASD Regulation:

December 23, 1996